

REQUEST FOR RESPONSES: AGRO-ENVIRONMENTAL TECHNOLOGY GRANT PROGRAM

RFR #:AGR-AET-02

Contact:

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Contract Type: Up to \$50,000

DUE DATE: January 28, 2002

(1) Description and Purpose of Procurement:

The Massachusetts Department of Food and Agriculture invites proposals to fund demonstration projects, feasibility analyses and applied research, designed to address Massachusetts' agriculturally related environmental concerns and agricultural development needs and opportunities. To qualify for consideration, proposals must have practical, near term, commercial application involving new or alternative technologies, practices or organizational arrangements which will stimulate expanded agricultural development, economic activity and employment growth.

The Agro-Environmental Technology Grant Program may fund projects which will test or demonstrate new technologies to determine their suitability and adaptability to Massachusetts producers. It is the general objective of the Program to support projects which encourage the adoption of environmentally sound practices which will stimulate increased economic activity within the State's agricultural industry.

Proposals must demonstrate the potential for the direct commercial application of the anticipated project results. It is not the purpose of the Program to substitute for business start up, expansion or other types of loans. Rather, it is the purpose of this Program to prove or demonstrate commercial viability of the demonstrated activity so that loan funds, if necessary, may be obtained for full implementation or application of the project results or findings. Therefore, projects should have broad application to have as great an impact as possible on our agricultural industry.

Specific objectives of the Program include, but are not limited to contracting for projects which will:

- Encourage the adoption of environmentally sound production practices and systems
- Assist with diversification and expansion of production
- Enhance agricultural profitability, viability and open space preservation
- Decrease of inputs into standard agricultural enterprises
- Promote agricultural resource improvement and conservation

- Create new capital investment and expansion in the food and agriculture industry
- Promote market development and expansion via value added processes or new or improved marketing strategies
- Create jobs in the food and agricultural sector
- Promote the commercial application of new technologies, practices or organizations in Massachusetts agriculture.

(2) **Acquisition Method:** Purchase/Fee for Service.

(3) **Number of Vendors Required:** Multiple.

(4) **Single Department User:** Only the Massachusetts Department of Food and Agriculture may contract under RFR# AGR-AET-02

(5) **Anticipated Contract Duration, Including Renewal Options:**

The potential for near-term commercial application or use of project results is a major consideration in proposal evaluation. Therefore, proposed projects should have a time frame for completion of approximately one year or less. The start date for most contracts will be April first. Projects may be submitted for more than one year with justification provided.

At the Department's option and based upon satisfactory performance and compliance, the Department may, subject to available funding, extend a contract for a period of up to one year.

(6) **Anticipated Expenditures, Funding, or Compensation:**

The Department of Food and Agriculture will fund contracts up to \$50,000 under the Program. Over the past few years, an average of 10 to 15 projects have received funding each year. The amount of the average award last year was \$12,500.

(7) **Eligibility Requirements:**

(a) **Applicant Eligibility**

Proposals will be accepted from public and private agencies and organizations, business and industry, educational institutions and local governments in Massachusetts. Individuals may apply if they provide letters of endorsement, support or other evidence of commodity group or agricultural industry favor for the proposed project. Public agencies or educational institutions are strongly encouraged to obtain private sector co-sponsors or cooperators. Applicants must demonstrate a proven ability to carry out all

elements of the proposed project. All subcontracts to individuals and private businesses and industry must be pre approved by the Department.

Employees or business associates of members of the Board of Food and Agriculture and employees of the MA Department of Food and Agriculture should check with the State Ethics Commission and apply only if within all applicable laws.

(b) Project Eligibility

Projects which involve new or alternative production, processing, distribution or market access technologies, practices or organizational arrangements will be considered. Projects must specifically demonstrate a potential for further development of the Commonwealth's food and agriculture industry to be eligible, and must demonstrate the public benefit to be realized from the project.

Projects which are undertaken in Massachusetts are preferable. Proposals for projects to be undertaken outside Massachusetts will be considered but the applicant must present clear evidence that the Massachusetts food and agriculture industry will benefit.

Funds are intended to be used for new activities or the expansion of qualifying existing activities. Proposals designed to maintain or substitute for existing efforts will not be considered.

General research studies or analyses which do not have a clear potential for direct implementation will not be considered.

(c) Eligible Costs

Contracts of up to \$50,000 per project may be funded under the Program. Reasonableness of the budget requested relative to the proposed work will be considered in evaluating proposals.

Eligible expenses utilizing grant funds under the project include, but are not limited to:

- Salaries and Wages, fringe benefits (Total personnel costs are limited to 50% of grant amount)
- Consultant services (technical, professional, out of house)
- Travel
- Advertising and Promotion
- Supplies and Materials
- Communication (telephone, postage, printing, etc.)
- Data Processing

Funds cannot be used to cover institutional overhead or other indirect costs such as use of land, buildings or equipment. These costs cannot be used in calculating an applicant match.

The Commonwealth reserves the right to audit the applicant's expenses and records relating to the performance of the project during and up to five years after the completion of the project.

(8) Contract and Performance Specifications:

Selected applicants will be responsible for completing the project described in their responsive proposal in a timely and cost-effective manner.

The Department of Food and Agriculture will be responsible for monitoring each funded project and ensuring that the terms of the contract are fulfilled. Specific monitoring and reporting terms and conditions of each funded project will be contained in a formal contract in the Scope of Services attachment.

At a minimum, an original and three copies of a satisfactory, comprehensive final report will be required under the contract along with other agreed upon deliverables. The final report shall include a detailed description of the work completed under the contract as it related to the plan of work, a description of the problems encountered during the project which affected the completion of the plan of work and attainment of project goals and objectives, a statement of the likelihood of implementation of project results including but not limited to jobs created or retained, new capital investment, environmental concern addressed, new or increased agricultural product or commodity sales or increased profit, and number of acres of farmland potentially affected by the project. The report will also contain a final budget showing costs borne by all fiscal participants.

In addition to the final project report, the Department reserves the right to conduct a follow-up survey of funded projects in order to determine long term impacts.

(9) Instructions for Submission of Responsive Proposals

Responsive Proposals should be no more than eight (8) pages in length (excluding the cover sheet, budget form and resumes) and must conform to the format described below (cover sheet, ten numbered sections and a proposed budget):

(a) Cover Sheet

- Title of proposed project
- A brief description of the project (1-3 sentences)
- Name and title of applicant
- Address and telephone number of applicant(s)
- Amount of funding requested
- Duration of project (including beginning and ending dates)
- Name, address and telephone number of contact person if other than applicants

(b) Proposal Narrative

1. Identification of Need or Opportunity

Clearly state the specific need, problem or opportunity to be addressed, indicating its importance to the Massachusetts agricultural community and its environmental significance.

2. Project Summary

Give a brief description of the work involved, and describe the project's intended economic **and environmental** benefits. This section should clearly explain the overall background and approach used to address the need or opportunity as well as the role the project will play in achieving the objectives identified in the RFR.

3. Statement of Objectives

A brief, clear, concise description of the objectives of the proposed activity is required. Where goals can be expressed numerically, this analysis will be useful. Consistency with the objectives of the Program as indicated in the RFR is critical.

4. Statement of Public Purpose

A description of what public benefit will result from the project, and what specific actions will be performed in order to ensure a specific public benefit or benefits is essential. This section may discuss public access, public education, public use, or other methods of securing public benefit.

5. Deliverables

Deliverables are the anticipated end product of the proposed project which will make it useful. This section should clearly describe the deliverables which will be provided and indicate how these deliverables will be made available to the Department and used by the food and agriculture industry after the project is concluded. Most all projects should contain an outreach component.

In addition to a written presentation of findings and recommendations, deliverables may be provided in a number of forms including, but not limited to one or more of the following:

- A new or prototype product, machine or process that enhances agricultural and environmental compatibility
- An analysis of economic, scientific or production feasibility for a specific enterprise, organization or development project
- A new production practice, technique or system
- A plan to establish a new business enterprise or service that will benefit a sector of the food and agriculture industry
- A new organization or organizational structure
- Publication of a management, business, marketing or capital formation plan

- An engineering or design plan, drawing or blueprint
- Publication of "how to" guidelines or instructions
- An audio-visual presentation of a new production or processing technique or methodology, or marketing and promotion effort.

It should be noted that the Program places an emphasis on the development of end products which will result in direct commercial application or economic impact.

6. Plan of Work

The plan of work must provide a detailed description of how the proposed project is to be carried out. It should describe the tasks to be performed and a time table for their completion.

7. Potential Use

The practical or commercial application of the proposed project activity is important. This section should indicate by what means the proposed project activity appears to have potential commercial application or may be broadly adaptable in the field. It is essential that environmental and economic benefits be identified and quantified to the maximum extent possible. A plan for information transfer and education must be presented. Where grant funds will be utilized for the purchase of equipment or facilities, the proposal must also include a detailed plan for ensuring public access during a specified period of time to view the facility or equipment in operation.

8. Key Personnel

This section should identify the key people who will be involved in carrying out the proposed project activity and their qualifications for doing so. Subcontractors, consultants and others not directly associated with the applicant must be included. Resumes for key personnel should be included at the end of the proposal.

9. Facilities and Equipment

This section should briefly describe the facilities and equipment, if any, required to carry out the proposed work. Items to be purchased with grant funds should be fully described and justified in this section.

10. Current and Pending Support

A minimum one-to-one applicant funding match is required on all projects. Fifty percent of the match must be provided in the form of cash (actual expense for the project). The remainder may be in-kind services, or other resources, or combination of same. Our strong preference is for a greater ratio of cash match. Projects with levels of matching above the minimum one-to-one level will have an advantage in the competitive selection process. This match may be provided by the project sponsor or

other supporter(s). The cost of previous research leading to the proposed project will not be considered as an eligible cost for matching purposes. Institutional overhead or other indirect costs are not eligible for use as matching funds.

Funds from the Agro-Environmental Technology Grant Program may be provided contingent upon receiving necessary funds or resources from other sources, assuming the desired project timetable will be maintained. This section should identify other sources of funds or resources, amount of funding or resources received or to be received, and when they were or are expected to be provided. This information is regarding matching funds for this project only and not a request for lists of grants or funds you may have received for other projects or research. Evidence of a commitment for required funds or resources must be provided before Agro-Environmental Technology Grant Program funding allocations will be finalized.

(c) Proposed Budget

A proposed budget form, copy attached, must be completed for each project submitted. If additional space is required, a budget may be prepared on a separate sheet using the same format. The budget should indicate expenditures by category, as well as the amount or value of the applicant's matching contribution. Salaries, wages and consulting services must be detailed showing the number and type of personnel directly involved in the project, their hourly or salaried rates, and estimated work days. Sources of all applicant contributions must be indicated and the amount of sponsor cash contributions noted.

(d) Submission of Response

An original and ten copies (11 total) of all responses must be received in the Department's Boston offices by 5:00 P.M., January 28, 2002. No facsimiles will be accepted. Applications will be received by the Department between October 24, 2001 and January 28, 2002. Proposals received after 5:00PM on this date will not be eligible.

Responses for contract under the Agro-Environmental Technology Grant Program must be submitted to:

Susan Phinney
MA Department of Food and Agriculture
251 Causeway Street, Suite 500
Boston, MA 02114

(10) **Proposal Evaluation and Selection**

Proposed projects must be responsive to the objectives identified in this RFR. Each proposal must be limited to one project or activity only, the title of which must appear on the cover sheet of the application.

The purpose of the response or proposal is to provide evaluators with a written statement containing sufficient information to demonstrate that the proposed activity is a sound approach to an important area of interest as outlined in the Request for Response (RFR), and would be a project for which the Department would be interested in contracting services.

Proposals will be judged principally on their adherence or conformity to the objectives and criteria indicated in this RFR and the cost effectiveness of the proposed activity. A meeting with the submitter of the proposals at a location convenient to the Board of Agriculture and or staff may be required for clarification or further examination of proposals before funds are approved.

Selection of successful proposals will be on a competitive basis. All responses will be judged against the following criteria consistent with the stated objectives of the Program. The degree to which the proposed activity:

- Addresses a significant, identified industry need or opportunity, and environmental concern
- Demonstrates potential for near-term direct commercial application
- Responds to the purposes and objectives outlined in the solicitation and Program guidelines
- Demonstrates economic development potential measured in terms of job creation, capital investment or other identifiable economic activity
- Is innovative and original

The extend to which the proposal:

- Presents a reasonable and feasible approach
- Adequately details a work plan and time frame for completion
- Contains clearly defined deliverables
- Demonstrates experience and ability of proposer and project staff undertake the proposed activity
- Evidences industry support
- Is cost effective, relative to similar proposals submitted, work to performed, and product to be delivered

All responses must include sufficient information to allow the above factors to be judged. Only those proposals which furnish complete information will be considered for evaluation. No partial responses will be considered. The Commissioner of the Department of Food and Agriculture reserves the right to make a final selection upon approval of the Board of Food and Agriculture and all decisions shall be final.

(11) **Awards**

The Department of Food and Agriculture will fund contracts up to \$50,000 under the Program. Grant monies will not be awarded as lump sums at the initiation of the projects. Grant payments will be made for services received during or at the end of the contract period.

Persons awarded a contract will be notified on or about April 26, 2002. Each applicant whose proposal is not chosen for funding will be notified to that effect in writing, by the Department.

(12) **Deadline for Responses**

An original and ten copies (11 total) of all responses must be received in the Department's Boston offices by 5:00 P.M., January 28, 2002. No facsimiles will be accepted.

(13) **RFR Attachments**

RFR Attachments include:

Exhibit 1	Budget Form
Exhibit 2	Project Requirements
Exhibit 3	Sample Standard Contract Form
Exhibit 4	Sample Commonwealth Terms and Conditions
Exhibit 5	Sample Contractor Authorized Signature Verification Form
Exhibit 6	Sample Consultant Contractor Mandatory Submissions Form
Exhibit 7	Northern Ireland Notice and Certification

Exhibits 1 through 7 are attached to this RFR. On-line readers will find sample documents of Exhibits 3 through 7 on the Comm-PASS Website under Forms & Information. Comm-PASS is available on line at <http://www.Comm-PASS.com>

The Department will only award a contract to persons willing to sign a standard form contract ("Contract"). A sample copy of this Contract is attached to this RFR. Do not complete or return the sample copy provided here. Upon receipt and acceptance of a proposal, the Department will forward to the proponent an actual Contract, these RFR exhibits, as well as any other appropriate exhibits for execution and return to the Department. Payments pursuant to the terms of the Contract cannot be made until the Contract is fully executed by all required agencies. Typically this takes about 30 days. The start date for most contracts will be April first. Department budgetary issues may delay the start of contracts until our new fiscal year, starting July 1.

(14) **Notice to Bidders:**

This RFR has been distributed electronically using the Comm-PASS system. It is the responsibility of every Bidder to check Comm-PASS for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodation to Bidders who fail to check for amended RFRs and submit inadequate or incorrect Responses. Potential Bidders are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure that they have the most recent RFR files.

Bidders may not alter the RFR language or any RFR component files. Bidders must respond in accordance to the RFR directions and complete only those sections which prompt Bidder for a Response. Modifications to the body of this RFR, specifications, terms and

conditions, or which change the intent of this RFR are prohibited. Any unauthorized modifications may disqualify a Response.

Comm-Pass is available on line at [http:// www.Comm-PASS.com](http://www.Comm-PASS.com)

(15) **Reserves**

The Commissioner of the Department of Food and Agriculture may hold funds in "reserves" which will be used exclusively for special projects that are compelling and that happen "out of cycle" for the program. Out of cycle projects will be subject to the same review of staff and applicable oversight committees, will be required to meet all thresholds of the Agro-Environmental Technology Grant Program, and will be subject to the same approval of the Commissioner and the Board of Food and Agriculture. Funding will be bound by all statutes, regulations and policies applicable to the regular cycle projects.

(16) **Liability:**

The Department will not be held liable for any costs incurred by any firm or individual for work performed in the preparation of and production of a proposal and/or for any work performed prior to the execution of a written contract.

(17) **Intellectual Property Rights**

Any applicant awarded a contract should be aware of the following:

The originals of all finished and unfinished documents, data, studies, reports, manuals, materials or other "deliverables" identified in the contract, and paid for in part or in whole with contract funds, shall become the property of the Department, and the Commonwealth shall have title and own the copyright in such "deliverables". "Deliverables" also includes any equipment or furnishings provided by the Department or purchased with contract funds.

The contractor shall have a royalty free non-exclusive and irrevocable license to reproduce, publish or otherwise use these "deliverables". The contractor shall not make any application for patent or copyright of any "deliverables".

The Department of Food and Agriculture is an Affirmative Action/Equal Opportunity Employer. Women, Minorities, Veterans and Handicapped persons are encouraged to apply.

This RFR is available in alternative formats upon request.

RFR - REQUIRED SPECIFICATIONS

In general, most of the required contractual stipulations are referenced in the Standard Contract Form and the Commonwealth Terms and Conditions (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of 801 CMR 21.00: Procurement of Commodities and Services (and 808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR. No electronic responses may be submitted in response to this RFR.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The PMT reserves the right to reject unreasonable requests.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., Chapter 66, Section 10, and to Chapter 4, Section 7, Subsection 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Best Value Selection and Negotiation. The PMT may select the response(s) which demonstrates the best value overall, including proposed alternatives, that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Comm-PASS. If this RFR has been distributed electronically using the Comm-PASS system, RFR attachments that are referenced are available either as separate .pdf files with this RFR or in the Comm-PASS Forms and Information section: www.comm-pass.com. Bidders are solely responsible for obtaining and completing the required attachments that are identified in this RFR and for checking Comm-PASS for any addenda or modifications that are subsequently made to this RFR or attachments. The Commonwealth and its subdivisions accept no liability and will provide no accommodation to bidders who fail to check for amended RFRs and submit inadequate or incorrect responses. Bidders are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure that they have the most recent RFR files. Bidders may not alter (manually or electronically) the RFR language or any RFR component files. Modifications to the body of the RFR,

specifications, terms and conditions, or which change the intent of this RFR are prohibited and may disqualify a response.

Northern Ireland Notice and Certification. All bidders must complete the Northern Ireland Notice and Certification form to satisfy M.G.L. c.7 section 22C, which states that no state agency may procure commodities or services from any bidder employing ten (10) or more employees in an office or other facility located in Northern Ireland unless the bidder certifies through the notice and certification form that if it employs ten or more employees in Northern Ireland, a) the bidder does not discriminate in employment, compensation or the terms, conditions and privileges of employment on account of religious or political belief, b) the bidder promotes religious tolerance within the workplace and the eradication of any manifestations of religious and other illegal discrimination and, c) the bidder is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Subcontractors are required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

Affirmative Market Program. Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs). As a result, M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, as joint venture partners, or as subcontractors.

Non-M/WBE bidders are strongly encouraged to develop creative initiatives to help foster *new business relationships* with M/WBEs within the primary industries affected by this RFR. The highest number of points may be awarded for responses that clearly illustrate how the proposed business relationship(s) will result in the development and growth of M/WBEs within these primary industries. A lesser number of points may be awarded for traditional subcontracting relationships. The least number of points may be awarded for ancillary uses of M/WBEs.

In order to satisfy this section, the bidder must submit: the names, addresses, phone numbers and contact persons of each M/WBE firm; a description of each business relationship to be established; and the actual dollar amounts, or percentages, to be awarded to each M/WBE firm. MBE and WBE firms must submit a copy of their SOMWBA certification letter for the current period. A directory of SOMWBA certified firms is available via the Internet at www.state.ma.us/somwba.

A Minority Business Enterprise (MBE) or a Woman Business Enterprises (WBE) is defined as a business that has been certified as such by the State Office of Minority and Women Business Assistance (SOMWBA). Minority and women-owned firms that are not currently SOMWBA-certified but would like to be considered as an M/WBE for this RFR should apply for certification. A fast track application is available, and will be considered for the purposes of this RFR. For further information on SOMWBA certification contact the State Office of Minority and Women Business Assistance at (617) 727-8692 or via the Internet at www.magnet.state.ma.us/somwba.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Multi-State EMail™. *Required for statewide and OSD-designated statewide contracts only.* The Commonwealth of Massachusetts has implemented the Multi-State EMail according to the Open Buying on the Internet (OBI) model. The Commonwealth has adopted this method of Electronic Commerce and is in the process of selecting contracts for implementation. This new method of Electronic Commerce or others may become a requirement of this contract at a later date. At least 120 days

notice will be given before an implementation requirement will be enforced. More information about OBI is available at: www.openbuy.org.

Information Technology - Clarification of Language in Section 11, Indemnification of the Commonwealth Terms and Conditions. *Required for the following object codes within the "Expenditure Classification Handbook" as issued by the Office of the Comptroller:*

E08 - Telecommunication Services, Voice
EE8 - Telecommunication Services, Data
E09 - Software purchases
H03 - IT consulting & Maintenance
J08 - IT Cabling/installation & maintenance
K01 - IT equipment purchases
L01 - IT Telp
L21 - IT Rental or Lease
L41 - IT Technical Support

Pursuant to Section 11. Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the contractor as a third party defendant. Further, the term "other damages" shall not include, and in no event shall the Contractor be liable for damages for the Commonwealth's use of contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the contract scope of work) that is the subject of the claim. Section 11 sets forth the contractor's entire liability under a contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions.

Filing Requirements ☞ *Required for POS Only.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division for the most recently completed fiscal year before a contract can be executed and services may begin. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

Debriefing ☞ *Required for POS Only. Optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department. Department debriefing procedures may be found in the RFR. Non-successful bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Administrative Appeals to Departments ☞ *Required for POS Only.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Administrative Appeals to OSD ☞ *Required for POS Only.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

1. The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the *Procurement Policies and Procedures Handbook*, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of their claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the Deputy Purchasing Agent at Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the Deputy Purchasing Agent shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the Deputy Purchasing Agent shall not prohibit the department from proceeding with executing contracts.

DFA FUNDS		MATCHING FUNDS/EXPENSES			
CATEGORY	Grant	Cash	Expenses In Kind	Match Total	Total
	*	**		***	
<i>Salaries & Wages</i>					
<i>Consultants</i>					
<i>Travel</i>					
<i>Supplies & Materials</i>					
<i>Communications</i>					
<i>Advertising/Promotion</i>					
<i>Other</i>					
Total:					
Project Total:					

* No more than 50% of DFA grant funds may be used in the salary & wages category

** Cash expenses must be at least 50% of total match

*** Total match must be at least 50% of total project cost

Exhibit 2

Attachment A-1

Project Requirements

Final Report

The Contractor shall provide the Department of Food and Agriculture with a satisfactory final report to be submitted prior to final payment. An original and three copies of this final report (*) will contain:

- a detailed description of the work completed under the contract
- a description of the problems encountered during the project which affected the plan of work
- whether project goals and objectives were attained
- likelihood of implementation of project results in Massachusetts food and agricultural industry
- describe the economic impact, including but not limited to, jobs created or retained, new capital investment, new or increased agricultural productivity, commodity sales or increased profit
- a description of the environmental concern addressed and resulting effects of the project
- number of acres affected or potentially affected by the project
- any other impacts resulting from the project
- a final budget of actual expenses and costs showing grant and matching monies and in kind services used in the project

(*) a diskette in either Microsoft Word or WordPerfect of the final report and any printed guides or manuals must also be submitted

Photographs

At least 24 standard size color photographs will be submitted showing the progress and main features of the project.

Posting

Major equipment and structures purchased with funds from this grant program will be posted for a period of at least two years with a sign, painted on or attached to the equipment or structure. The notice will read, "Funding for this equipment (or - structure, greenhouse, project, or whatever is appropriate) was provided through a grant from the Massachusetts Department of Food and Agriculture".

Any publication, report, guide or audio or visual presentation resulting from this Program will also give credit to the Massachusetts Department of Food and Agriculture as a source of funding and support.

Monitoring

The Contractor acknowledges that the Department of Food and Agriculture is responsible for monitoring each project to ensure that the terms of the contract are being fulfilled. Therefore, the Contractor will upon reasonable notice, allow representatives of the Department of Food and Agriculture to make field observations of the work described in the proposal and contract.

Survey

The contractor also agrees to allow the Department of Food and Agriculture ("Department") to conduct a follow-up survey of funded projects, and the Contractor agrees to facilitate and assist the Department in accomplishing this task and agrees to provide the Department with all requested information and data.